

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY



(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 11 JAN 2006

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Applicant's or agent's file reference PA030018		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/008327		International filing date (day/month/year) 24.07.2004		Priority date (day/month/year) 07.08.2003
International Patent Classification (IPC) or national classification and IPC G11B27/10, G11B27/11, G11B19/12, G06F17/30				
Applicant THOMSON LICENSING S.A. ET AL.				
<p>1. This report is the International preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 07.06.2005		Date of completion of this report 12.01.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Valencia, E Telephone No. +31 70 340-4568 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/008327

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-8 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1-3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/008327

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

1 The following documents are referred to in this communication:

D1 : US 6 388 960 B1 (ENDO FUMIO ET AL) 14 May 2002 (2002-05-14)

D2 : US 6 252 831 B1 (WEHMEYER KEITH REYNOLDS) 26 June 2001 (2001-06-26)

2 **INDEPENDENT CLAIM 1**

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.

2.1.1 Document D1 discloses a "method of retrieving the file system of an optical recording medium" (see abstract) using information from the medium itself. Indeed, D1 discloses to determine whether a CD recording medium is a CD-Audio or CD-ROM. The skilled person in the field of digital recording knows that in the first case, no file system is associated with the CD-Audio format, and in the second case the ISO9660 file system is associated with the CD-ROM format. Therefore, D1 does disclose a "method of retrieving the file system of an optical recording medium", as defined in the preamble of claim 1.

2.1.2 The subject-matter of independent claim 1 differs from the disclosure of D1 in that the file system information is retrieved in a database storing the file systems associated with each medium, by using an entry key to this database calculated with parameters of the medium itself.

2.1.3 The problem to be solved by the present invention may therefore be regarded as providing a medium for which the time required to identify the file system of the medium is short.

2.1.4. Document D2 discloses a method comprising the steps of determining a signature of a recording medium (col 1 lines 44-46), comparing this signature with a plurality of signatures in a content database (col 4 paragraph 3) and retrieving descriptive information associated with the content (col 1 lines 27-35).

2.1.4 The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) because the skilled person would be aware of the teachings of D2 and would combine them into the method of D1 in order to solve the problem posed arriving at a method as worded in claim 1, without the exercise of any inventive skill.

3 INDEPENDENT CLAIM 8

3.1 Same applies, mutatis mutandis, to apparatus claim 8.

4 DEPENDENT CLAIMS 2-7, 9

Dependent claims 2-7, 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). In particular they provide known features of matching algorithms in the field of data retrieval from a database (see for example document D3).